

[ORAL ARGUMENT NOT YET SCHEDULED]
No. 15-5170

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SAFARI CLUB INTERNATIONAL AND NATIONAL RIFLE ASSOCIATION OF AMERICA,
Plaintiffs-Appellants

v.

SALLY M.R. JEWELL, IN HER OFFICIAL CAPACITY AS THE SECRETARY OF THE
INTERIOR, ET AL.,
Defendants-Appellees,

On Appeal from the United States District Court
for the District of Columbia

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT
OF DEFENDANTS-APPELLEES**

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INTRODUCTION

Pursuant to Federal Rule of Appellate Procedure 29(b), The Humane Society of the United States, Humane Society International, International Fund for Animal Welfare, and Born Free USA (collectively “Amici”) respectfully request leave to file to the accompanying *amicus curiae* brief in support of the federal Defendants-Appellees and in support of the district court’s ruling granting Defendants-Appellees’ motion to dismiss Plaintiffs-Appellants’ claims challenging two U.S. Fish and Wildlife Service (“FWS” or the “Service”) memoranda documenting the unsustainability of elephant trophy hunting in Tanzania. (DA____, Dkt. 48).

Defendants-Appellees consent to the filing of this brief. Plaintiffs-Appellants take no position on this motion.

IDENTITY AND INTERESTS OF *AMICI CURIAE*

As set forth fully in the accompanying brief, Amici are non-profit animal protection and conservation organizations that seek to prevent the extinction of African elephants and other threatened and endangered species through domestic and international advocacy. For example, Amici have petitioned FWS to increase protection of African wildlife targeted by American trophy hunters and Amici regularly monitor and participate in the Endangered Species Act (“ESA”) permitting process. Amici’s interests are threatened by the instant lawsuit – if Safari Club International and the National Rifle Association of America

(“SCI/NRA”) are successful, FWS’ ability to comply with the conservation mandate of the ESA will be severely weakened.

BRIEF WILL ASSIST THE COURT AND IS RELEVANT TO THE DISPOSITION OF THE CASE

Amici seek to file this timely brief to provide the Court with their considered legal and scientific perspective on the application of the ESA to elephant trophy hunting, impacts of American trophy hunting in Africa, and the conservation status of African elephants. These issues are relevant to the disposition of the case, providing context for the dispute and demonstrating that the district court properly dismissed SCI/NRA’s complaint because it does not challenge a final agency action. Further, the brief brings to the Court’s attention recent developments that moot this appeal. Undersigned counsel has reviewed the briefs filed by the parties and submits this brief to focus on points not made or adequately elaborated upon in those briefs.

CONCLUSION

Based on the foregoing, Amici seek permission from this Court to file the brief that accompanies this motion and request that this motion be granted. Undersigned counsel authored the brief and did not receive financial support from any of the parties to the case or other third parties.

Respectfully submitted this 11th day of March 2016,

/s/ Anna Frostic

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, *Amici Curiae* certify as follows: The Humane Society of the United States and Humane Society International are non-profit corporations under the laws of the District of Columbia, registered with the Internal Revenue Service as 501(c)(3) organizations. Born Free USA is a non-profit corporation under the laws of California, registered with the Internal Revenue Service as a 501(c)(3) organization. International Fund for Animal Welfare is a non-profit corporation under the laws of Massachusetts, registered with the Internal Revenue Service as a 501(c)(3) organization. These organizations do not have stock, nor do they have parent companies, subsidiaries, or affiliates that have issued shares to the public.

Respectfully submitted this 11th day of March 2016,

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CERTIFICATE OF SERVICE

The undersigned certifies that this motion was electronically filed with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit on March 11, 2016, by utilizing the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Respectfully submitted this 11th day of March 2016,

/s/ Anna Frostic

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